

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

PERMOBIL, INC.,)	
)	
Plaintiff,)	
)	Case No. 3:23-cv-586
v.)	
)	Judge Campbell
MARK WESTPHAL,)	Magistrate Judge Holmes
)	
Defendant.)	

DEFENDANT’S MOTION TO STAY

Defendant Mark Westphal (“Westphal”) respectfully moves to stay this litigation, pending the outcome of the Complaint filed by the National Labor Relations Board (“NLRB”) against Permobil. In the instant case, Permobil has sued Westphal seeking to enforce a restrictive covenant. However, the NLRB has found that the non-compete agreement at issue here violates the National Labor Relations Act (“NLRA”). That agency has further found that Permobil’s lawsuit against Westphal is a separate violation of the Act. This matter should be stayed, pending the outcome of the NLRB’s Complaint. First, the litigation should be stayed under the doctrine of “primary jurisdiction.” Second, this matter should also be stayed under the inherent discretion that this Court possesses to manage its docket in a manner that promote judicial efficiency.

Westphal has submitted a separate Memorandum in support of this motion.

Westphal has conferred with Permobil’s counsel, and Plaintiff has not agreed to stay this matter.

Respectfully Submitted,

/s/ Jonathan O. Harris

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CERTIFICATE OF SERVICE

I certify that, on March 1, 2024, I served a true and correct copy of the foregoing *Defendant's Motion to Stay* via electronic mail, upon the following counsel of record:

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